

**CHAITMAN LLP**

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*Attorneys for Defendants*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro No. 10-04469 (CGM)

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC,

Plaintiff,

v.

CAROL L. KAMENSTEIN, individually and in her  
capacity as joint tenant, DAVID R. KAMENSTEIN,  
individually and in his capacity as joint tenant,  
SLOAN G. KAMENSTEIN, and TRACY D.  
KAMENSTEIN,

Defendants.

**DECLARATION OF HELEN DAVIS CHAITMAN IN SUPPORT  
OF DEFENDANTS' COUNTERSTATEMENT OF MATERIAL FACTS IN  
OPPOSITION TO PLAINTIFF'S CROSS MOTION FOR SUMMARY JUDGMENT,  
AND IN FURTHER SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY  
JUDGMENT DISMISSING THE COMPLAINT FOR LACK OF SUBJECT MATTER  
JURISDICTION AND FOR PARTIAL SUMMARY JUDGMENT DISMISSING  
THE COMPLAINT AGAINST TRACY D. KAMENSTEIN**

I, Helen Davis Chaitman, hereby declare, under penalty of perjury pursuant to 28 U.S.C. §1746, as follows:

1. I am a member of Chaitman LLP, counsel to Defendants Carol L. Kamenstein, ("Carol"), David R. Kamenstein, ("David"), Sloan G. Kamenstein ("Sloan"), and Tracy D. Kamenstein ("Tracy") (collectively "Defendants"). I am a member of the bars of New York and New Jersey, and I am admitted to practice in this Court.

2. I submit this declaration in support of Defendants' counterstatement of material facts in response to the Plaintiff's, Irving H. Picard (the "Trustee"), the Trustee for the Liquidation of Bernard L. Madoff Investment Securities, LLC (the "LLC"), cross motion for summary judgment, and in further support of Defendants' motion for partial summary judgment dismissing the complaint against Tracy D. Kamenstein and of Defendants' motion for summary judgment dismissing the Complaint for lack of subject matter jurisdiction.

3. Attached hereto as **Exhibit A** is a copy of the Form ADV Uniform Application for Investment Adviser Registration for Bernard L. Madoff Investment Securities dated August 25, 2006. [Bates No. PUBLIC0003729-762].

4. Attached hereto as **Exhibit B** is a compilation of FISERV Trust Company ("FISERV") Statements held by various IA customers.

5. Attached hereto as **Exhibit C** is a true and accurate copy of relevant pages from a transcript of the deposition of Bernard L. Madoff in *Picard v. Bernard L. Madoff Investment Securities, LLC*, Adv. Pro. No. 08-01789 dated April 26, 2017.

6. Attached hereto as **Exhibit D** is a true and accurate copy of a letter dated January 24, 2011 from Stephen P. Harbeck at SIPC to Scott Garrett at The U.S. House of Representatives.

7. Attached hereto as **Exhibit E** is a true and accurate copy of relevant pages from a transcript of the deposition of David R. Kamenstein in *Picard v. Carol L. Kamenstein, et al*, Adv. Pro. No. 10-04469 dated February 22, 2017.

8. Attached hereto as **Exhibit F** is a true and accurate copy of relevant pages from a transcript of the deposition of Tracy D. Kamenstein in *Picard v. Carol L. Kamenstein, et al*, Adv. Pro. No. 10-04469 dated February 22, 2017.

9. Attached hereto as **Exhibit G** is a true and accurate copy of relevant pages from a transcript of the deposition of Bernard L. Madoff in *Picard v. Bernard L. Madoff Investment Securities, LLC*, Adv. Pro. No. 08-01789 dated December 20, 2016.

10. Attached hereto as **Exhibit H** is a true and accurate copy of a compilation of statements from Bear Stearns and from JPMC. [Bates Nos. BSTSAC0000364-371; BSTSAC0000325-332; BSTSAC0000306-312; JPMDAB0004257-4311].

11. Attached hereto as **Exhibit I** is a true and accurate copy of relevant pages from a Trial Transcript in *Picard v. Carol & Stanley Nelson*, (“*Nelson*”), Adv. Pro. Nos. 10-04377 and 10-04658 dated May 8, 2019.

12. Attached hereto as **Exhibit J** is a true and accurate copy of relevant pages from a transcript of the deposition of Bernard L. Madoff in *Picard v. Bernard L. Madoff Investment Securities, LLC*, Adv. Pro. No. 08-01789 dated November 9, 2017.

13. Attached hereto as **Exhibit K** is a true and accurate copy of relevant pages from a transcript of the deposition of Joann Crupi in *Picard v. Bernard L. Madoff Investment Securities, LLC*, Adv. Pro. No. 08-01789 dated May 23, 2019.

14. Attached hereto as **Exhibit L** is a true and accurate copy of relevant pages from a trial transcript of the testimony of Frank DiPascali, Jr. in *United States v. Bonventre, et al.*, 10-CR-228 dated December 10, 2013.

15. Attached hereto as **Exhibit M** is a true and accurate copy of the Government's Exhibit 105-c171 from a trial transcript of the testimony of Frank DiPascali, Jr. in *United States v. Bonventre, et al.*, 10-CR-228 dated December 5 and 10, 2013 and January 13, 2014.

16. Attached hereto as **Exhibit N** is a true and accurate copy of a chart of illustrating examples of the testimony of Bruce Dubinsky from a Trial Transcript in *Picard v. Carol & Stanley Nelson*, ("Nelson"), Adv. Pro. Nos. 10-04377 and 10-04658 dated May 8-9, 2019.

17. Attached hereto as **Exhibit O** is a chart of T-Bills owned by the Madoff account 1CM913 with its attachments.

18. Attached hereto as **Exhibit P** is a true and accurate copy of the December 2007-March 2008 customer statements for accounts relating to Lisa B. Nissenbaum, Doron Tavlin, Boyer Palmer and Harry Smith.

19. Attached hereto as **Exhibit Q** is a chart of T-Bills owned by the Madoff account 1CM914 with its attachments.

20. Attached hereto as **Exhibit R** is a chart of T-Bills owned by the Madoff account 1CM597 with its attachments.

21. Attached hereto as **Exhibit S** is a chart of T-Bills owned by the Madoff account 1CM596 with its attachments.

22. Attached hereto as **Exhibit T** is a true and accurate copy of relevant pages from a Plea Allocution transcript of the testimony of Bernard L. Madoff in *United States v. Bernard L. Madoff*, 09-CR-213 dated March 12, 2009.

23. Attached hereto as **Exhibit U** is a true and accurate copy of relevant pages from a Plea Allocution transcript of the testimony of Enrica Cotellessa-Pitz in *United States v. Bonventre, et al.*, 10-CR-228 dated December 19, 2011.

24. Attached hereto as **Exhibit V** is a true and accurate copy of a letter dated March 15, 2005 from David Kamenstein and Tracy Kamenstein to Jodi Crupi. [Bates No. AMF00267637].

25. Attached hereto as **Exhibit W** is a true and accurate copy of relevant pages from a transcript of the deposition of Bernard L. Madoff in *Picard v. Bernard L. Madoff Investment Securities, LLC*, Adv. Pro. No. 08-01789 dated June 15, 2016.

Dated: January 8, 2021  
New York, New York

**CHAITMAN LLP**

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